

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TRAVELERS PROPERTY CASUALTY)	
COMPANY OF AMERICA, as subrogee of)	
NESCO, LLC,)	
Plaintiff,)	
)	No. 2:22-cv-02589-SHL-atc
v.)	
)	
STRATEGIC PARTNER LLC, et al.,)	
Defendants.)	

**ORDER GRANTING MOTION TO ENFORCE SUBPOENA, FINDING NON-PARTY
JIMMY KENT IN CONTEMPT, DIRECTING THE PARTIES TO PROVIDE
INFORMATION AND DIRECTING THE ISSUANCE OF AN ARREST WARRANT**

Before the Court is Plaintiff Travelers Property Casualty Company of America, as subrogee of NESCO, LLC’s (“Travelers”), Motion to Enforce the Subpoena to Jimmy Kent for Deposition Testimony and to Hold Mr. Kent in Contempt, filed January 22, 2024. (ECF No. 241.)¹ This case involves a fire in a building where both NESCO and Defendant SP National Management LLC (“SP”) leased space. (See Third Amended Complaint, ECF No. 217.) Travelers asserts that Kent, a non-party to this matter, has knowledge regarding the issues in this case including his employment at Defendant SP, SP’s operation at the facility where the fire occurred, and the fire itself. (ECF No. 222 at PageID 1640.)

On December 27, 2023, Kent was served with a subpoena to take his deposition on January 12, 2024, pursuant to Federal Rule of Civil Procedure 45. (ECF Nos. 241-2 & 241-3.)

¹ On February 2, 2024, Travelers filed proof that it served the motion on Kent on January 25, 2024. (ECF No. 245.) Travelers previously filed a similar motion to enforce subpoena against Kent (ECF No. 222), but later withdrew the motion without prejudice (ECF No. 232).

Neither Kent nor any other party in this action objected to the subpoena or moved to quash it. (ECF No. 241 at PageID 1766.) Kent failed to appear at his deposition. (Id.)

On February 15, 2024, the Court ordered Kent to show cause why the Court should not order him to comply with the subpoena, and required him to respond, in writing, by February 23, 2024, explaining why he failed to comply with the subpoena, and what efforts he has made to schedule his testimony. (ECF No. 246 at PageID 1828.) The Court warned Kent that “[f]ailure to respond to this Order may result in sanctions, including, but not limited to, a finding that Kent is in contempt of court.” (Id.)

After Kent failed to reply to that Order, on February 28, 2024, the Court set a hearing on Travelers’ motion and on the Order to Show Cause. (ECF No. 252.) Specifically, the Court ordered Kent to appear at a hearing on March 15, 2024, and explained that his “failure to appear may result in sanctions for contempt of court, including incarceration.” (Id. at PageID 1872.) Kent did not appear at the hearing.

As explained at the hearing, the Court **FINDS KENT IN CONTEMPT OF COURT**. Therefore, Travelers’ motion is **GRANTED**. The Court will cause to be issued a Warrant for the Arrest of Jimmy Kent, and, once taken into custody, the United States Marshal shall bring Kent before this Court for a hearing on the outstanding deposition subpoena. Kent may be subject to imprisonment until compliance with the deposition subpoena is established.

Counsel for Travelers, in conjunction with counsel for SP and any other entities with knowledge, shall complete the second page of the AO 445 form attached to this Order, providing any of Kent’s information they can gather. Counsel for Travelers shall email the AO 445 form to the undersigned’s ECF email at ECF_Judge_Lipman@tnwd.uscourts.gov by March 22, 2024.

The document **SHALL NOT** be filed on the docket.

IT IS SO ORDERED, this 15th day of March, 2024.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE